

REMARKS

Claims 20-23 are under pending further examination. Reconsideration and allowance of the claims are respectfully requested.

Claim 23 has been preliminarily amended to correct a grammatical deficiency. Support for this amendment can be found in the claims as originally filed and throughout the specification. Applicants respectfully submit that no new matter has been added via this amendment to the claims.

Claims 20-23 stand rejected under 35 USC § 102(e) as being anticipated by Engel et al. (USP 5,663,145). Applicants traverse this rejection for at least the following reasons.

The instant application is a continuation-in-part of U.S. Application no. 08/198,037 (hereinafter, the '037 application). The '037 application claimed priority to DE P4305225.8, filed February 19, 1993. The '037 application was filed on February 22, 1994. Attached is a copy of the '037 specification and claims filed therewith, with disclosure supporting the instant claims indicated by underlining (*See, inter alia*, page 1, line 28 through page 2, line 17; page 5, lines 10-18 page 8, lines 5-20; and the claims at page 10). The new matter added to the '037 specification in preparing the instant CIP is handwritten into the '037 specification.

The Examiner's attention is directed to '037 application


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claims 1-4, which support instant claims 20-23. Thus, the subject matter of instant claims 20-23 is disclosed within the original priority document and does not rely on the new matter added at the time of filing this CIP. Applicants respectfully submit that the instant disclosure supports a priority date of February 22, 1994 for the subject matter of instant claims 20-23, and, therefore, antedates the '145 patent for the purposes of 35 USC § 102(e). Withdrawal of the Section 102(e)-based rejection is respectfully requested.

In view of the foregoing amendment and remarks, Applicants respectfully submit that this application is in condition for allowance. Notification to that effect is earnestly solicited. Should questions relating to patentability remain, the Examiner is invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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Enclosure: Appendix

**APPENDIX
MARK UP VERSION SHOWING CHANGES MADE**

The application has been amended as shown below.

IN THE CLAIMS:

Claim 23 has been amended as indicated.

~~24.~~²³ (Thrice Amended) The method according to claim 20,
wherein 1 part by weight of cetorelix acetate is
dissolved in 100 - 1000 parts by weight of a 30% strength
(w/w) acetic acid solution and diluted with water to 3%
strength aqueous acetic acid, and
wherein the bulking agent is mannitol.